

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:09-CV-19-RJC-DCK**

JOHN ZAPATA as Assignee of
MWE SERVICES, INC., d/b/a
Midwest Demolition Company,
Plaintiff

versus

PONDER AND CO., INC., an
unknown corporation and
THE GUARANTEE COMPANY OF NORTH
AMERICA, an unknown
corporation and
TRUSTEE OF GASTON COLLEGE,
a political subdivision of the
State of North Carolina
Defendants

**CONSENT ORDER STAYING
PROCEEDINGS PENDING
ARBITRATION**

This application came on before the undersigned Magistrate Judge upon the "Consent Motion to Stay Proceedings Pending Arbitration" (Document No. 4) of all parties in this action. The parties seek a stay of this action in order to permit arbitration of all matters herein.

The parties consent and stipulate that

1. All of the parties herein are willing to have all of the matters in controversy determined by arbitration, and have initiated contact with the American Arbitration Association, Charlotte, North Carolina, for such arbitration.

2. The parties believe that all matters can be decided by arbitration and that such proceedings should take approximately six months.
3. No Case Management Order has been entered in this action, and no trial date is pending.
4. The parties request a stay of these proceedings in order to achieve a speedy and efficient determination of the matters in controversy, and not for the purpose of unduly delaying the Federal proceedings.

Based on the foregoing stipulations, the Court finds that

- A. The Court has jurisdiction over the parties sufficient to permit it to grant the relief herein requested, and
- B. A stay of these proceedings in order to permit the parties to participate in arbitration is justified and appropriate.

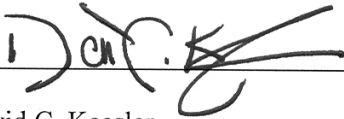
WHEREFORE, the Court hereby Orders, Adjudges and Decrees:

1. All proceedings herein are stayed for six (6) months in order to permit the parties to conduct an arbitration with the American Arbitration Association of all matters in controversy herein; and
2. During the stayed period, the parties shall cooperate and proceed with reasonable speed to conduct such an arbitration; and
3. Within six (6) months hereafter, or at the conclusion of the arbitration (whichever occurs earlier), the parties shall report to the Court the status of the arbitration and a determination will be made as to whether any matters remain for proceedings hereunder; and
4. The parties' "Consent Motion to Stay Proceedings Pending

Arbitration" (Document No. 4) is **GRANTED**.

IT IS SO ORDERED.

Signed: April 22, 2009



David C. Keesler
United States Magistrate Judge

